IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT **PETITION NO.1853 OF 2004**

Ashok Bagricha & Ors.....Petitioners

Vs.

Child Welfare Committee

Umerkhadi & Ors. ....Respondents

Mr. Rohit Kapadia, Senior Counsel with Mr. C.S. Kapadia, Mr. H. Gada and Mr. K. Bhadav i/b. Harakchand & Co., for the Petitioner.
Mr. Janak Dwarkadas, Senior Counsel with Ms. Madhavi Diwan i/b. Little & Co., for Respondent No.1.
Ms. M. Kajale, AGP for respondent No.2
Mr. Mihir Desai, for Intervenor
Mr. R.T. Parekh, Applicant in person in Chamber Summons NO.193 of 2004.

CORAM: **F.I. REBELLO &**
**MRS.V.K.TAHILRAMANI, JJ.**
DATE: 20th July,2006

P.C.

. Rule. Heard forthwith. The parties agree that considering the controversy respondent No.1 will have to decide as preliminary issues, two issues which are (1) the territorial jurisdiction and (2) jurisdiction as to the subject matter. In other words whether respondent No.1 considering the controversy, can decide the complaint. In so far as the 2nd issue is concerned it will be open to respondent No.1 to permit parties to take evidence on that specific issue.

. In the light of that the impugned order dated 5th May, 2005 is set aside and the matter is remanded back to respondent No.1 for hearing on the two issues in terms of what is aforestated. Respondent No.1 to dispose of the two issues at any rate not later than four months from today. Needless to say that the issues raised in this petition have not been answered. It will be open to the petitioner if aggrieved, to raise all those contentions in appropriate proceedings including before this Court. On determining the two issues if the order be adverse to the petitioner the Committee not to act on the complaint for a further period of four weeks.

**(F.I. REBELLO, J.)**

**(MRS.V.K.TAHILRAMANI, J).**